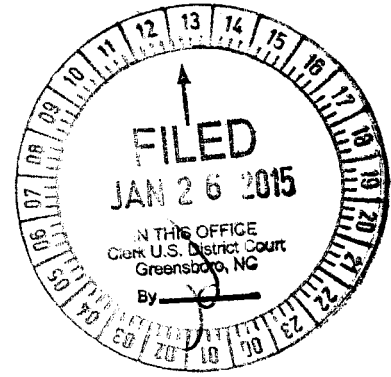


**In the United States District Court
For the Middle District of North Carolina
Greensboro Division**



Defendant, Brian David Hill
v.
Plaintiff, United States of America

Criminal Action No. 1:13-cr-435-1

MOTION TO STAY JUDGMENT

Defendant plans to file a Notice of Appeal concerning the Order entered the 16th day of January, 2015 (Doc #57) so, for good cause, the defendant hereby moves the Court to grant a partial stay on the judgment (Doc #54) entered the 12th day of November, 2014 to stay any portion of that judgment that would return, forfeit, release, destroy, or in other manner dispose of property related to this case for 180 days from the entry of the stay.

BACKGROUND:

Within the judgment (Doc #54) was a box checked for :

“The defendant shall forfeit the defendant's interest in the following property to the United States: to the extent any personal items not related to the offense of this investigation, the United States is authorized to return those items to Mr. Hill at the conclusion of any appeals period.”

There was no explicit identification about what specific property would be included within the meaning of “the following property”.

The defendant would like to file additional evidence attached with this MOTION to the court as to one of multiple reasons why the defendant is requesting a MOTION TO STAY JUDGMENT. Another MOTION is being mailed similar to this one but describes why the property should not be destroyed at this time due to the NOTICE OF APPEAL and due to the fact that after all appeals are exhausted, the defendant plans to file for Writ of Habeas Corpus relief to get a independent computer forensic examination by a computer forensic expert to help prove the Innocence of the defendant for a jury trial. All that is explained in the MOTION TO REQUEST A DELAY ON DESTRUCTION OF PROPERTY which will be filed through a separate mailing. Even if that MOTION may sound redundant, it however contains a detailed explanation as to the proof of Innocence that may be found on the very computer that is at risk of being destroyed or disposed of due to the judgment of forfeiting the computer equipment. If all appeals are exhausted, habeas corpus is the last relief for overturning a criminal conviction, however the burden of proof standard is higher then the standard during a jury trial. To prove actual innocence the only way to prove forensically that the defendant was framed with child porn which proves actual Innocence would be to conduct a independent forensic examination of the computer hard drives. However the examination will be impossible if the property is destroyed or disposed of.

For good cause shown and for good legal reasons, the defendant requests that the MOTION TO STAY JUDGMENT be granted as soon as possible.

Respectfully submitted,

Brian D Hill

signed

Brian D. Hill (pro se)

916 Chalmers St. – Apt. D, Martinsville, VA 24112

Phone: (276)632-2599

CERTIFICATE OF SERVICE

I hereby certify that service was made by mailing
a true and correct copy of the foregoing MOTION TO STAY JUDGMENT
by deposit in the United States Mail, Postage prepaid,

on January, 20, 2015 addressed to:

Mr. Anand P. Ramaswamy
Assistant United States Attorney
101 South Edgeworth Street
Greenboro, NC 27401

Brian D. Hill
Signed

Brian D. Hill (pro se)
916 Chalmers St. – Apt. D
Martinsville, VA 24112
Phone: (276)632-2599

Date: 1/15/2015

Number of pages: 2

Attn.: Joy Strickland

Recipient's number: T19197166750

Filename: C:\ProgramData\Venta\VentaFax & Voice 6\Out\Request to Joy Strickland aError Correction: Yes-01-15}_General (Letter).tif

File description: Request to Joy Strickland about Virus Log.pdf

Recipient's Fax ID: 9197166750

Rate: 14400 bps

Time: 3:24:39 PM

Session duration: 1:38

To: North Carolina Legal Services Division

Message type: Fax

Error Correction: Yes-01-15}_General (Letter).tif

Resolution: 200*200 dpi

Record number: 544

Fax Cover Page

Date: 1/15/2015

Time: 3:24:39 PM

Pages: 2

To: North Carolina Legal Services Division

Attn.: Joy Strickland

From: Brian David Hill

Fax ID: 276-632-2599

Request for a copy of my forensic report or at least the virus log of the forensic report used in the criminal case of myself.

Thursday, January 15, 2015

Legal Services Division
9001 Mail Service Center
Raleigh, NC 27699-9001
Telephone: (919) 716-6400
Fax: (919) 716-6750

Dear **Joy Strickland**,

I need to request a copy of the state crime lab report for my computer or at least just what viruses(Virus log) were found on my hard drive by forensic examination of my computer if I can't read the whole report.

The forensic examination was done in 2012 and finished in 2013. The examination was done under NC SBI Special Agent Rodney White. In regards to Brian David Hill. The report was submitted by Mayodan Police Department as apart of the chain of custody and/or by Reidsville detective Robert Bridge. I need to know what viruses were found on my computer at the time of examination.

According to document Digital/Latent Evidence Section, Technical Procedure for Writing Results Statements, Effective Date: 10/31/2013, I found on page 1 Paragraph 5.1 Recovered Disc Reporting Method, that "Item (Item Number) was/were scanned for threats using (software) with definitions dated (date). The virus scan log is available for review in the "Recovered\Virus Scan Logs" folder on Item (Item Number)."

So I know for a fact now that the state crime lab forensics technicians look for computer viruses when conducting a forensic examination of my hard drive. That would help me prove that the eMule virus was likely the culprit of sharing child porn without my knowledge and without my consent.

I need to know if any viruses were found on my hard drive or hard drives at the time the examination was done, how many viruses, the names of viruses, and/or if possible what each virus could have done on my computer? It is already a matter of record so I am not asking for a new examination in this request but that I am sent a copy of the virus log for the forensic report in my case.

I need this done as soon as possible please.

You know for a fact I claimed my Innocence on December, 2013. I admitted that a virus was on my computer that ran emule.exe. I need to prove that and the only way I can prove that is if the state crime lab found that virus which would be in their virus scan log as apart of procedure.

Please help me with this request any way you can. Thank You!

Brian D. Hill
Signed

(Electronically Signed:)Sincerely,
Brian David Hill
(276)632-2599
admin@uswgo.com
916 Chalmers St., Apt. D
Martinsville, VA 24112

Date: 1/15/2015

Number of pages: 2

Attn.: Joy Strickland

Recipient's number: T19197166750

Filename: C:\ProgramData\Venta\VentaFax & Voice 6\Out\Request to Joy Strickland\Error Correction: Yes\15-01-15\General (Letter).tif

File description: Request to Joy Strickland to cross examine.pdf

Recipient's Fax ID: 9197166750

Rate: 14400 bps

Time: 6:15:32 PM

Session duration: 1:47

To: North Carolina Legal Services Division

Message type: Fax

Resolution: 200*200 dpi

Record number: 549

Fax Cover Page

Date: 1/15/2015

Time: 6:15:32 PM

Pages: 2

To: North Carolina Legal Services Division

Attn.: Joy Strickland

From: Brian David Hill

Fax ID: 276-632-2599

I have a second request for Joy Strickland. Letter on second page. This letter is as important and high priority as the other one as either of those request can have a major impact in the accusation against me and can prove evidence fraud or that I was framed with the crime I didn't commit and free me from my wrongful conviction.

Thursday, January 15, 2015

Legal Services Division
9001 Mail Service Center
Raleigh, NC 27699-9001
Telephone: (919) 716-6400
Fax: (919) 716-6750

Dear **Joy Strickland**,

I have one more request I like to make that is also as important as the virus log request. This may very well determine the outcome of my very criminal case. That is if the same files that were listed in the search warrant was even found on my computer at the state crime lab.

The specific request I am making is that you or the crime lab check the crime lab digital records of the examination to see if the state crime lab forensic technicians found all or either of the two files that were listed in the search warrant for my former home at 413 N. 2nd ave., Mayodan, NC 27027.

Here is a quick list of file names that were listed in the search warrant by Detective Robert Bridge(Page 19, Date Issued 8/28/2012-11:30AM, Rockingham Co NC Clerk of Court filed, Superior Court Judge)?

1. Ptsc Mom & Daughter In Bath.mpg
2. (((Pthc) Russia 10Yo-11 Yo Little Brother And Sister-2- Boy&Girls Fucking_ Just Posing Or Naked l.avi

I learned that the files found on my computer may not be the same as even the ones listed in my search warrant. From what I know about P2P file-sharing especially copyrighted music files, anything downloaded then shared has the same file name. The downloader of the shared file would all be the same name. If no such file exist on my hard drive with the same name as the very one the search warrant described then the detective may have lied or made a fraudulent statement. If the file name couldn't be found then there is no way possible it was shared from my computer with detective Robert Bridge, that would indicate false statements by the police detective which could trigger a evidence fraud and obstruction of justice investigation. Look the discovery agreement was set so that only my public defender would be allowed to see the crime lab evidence, I was never allowed. Because of that the detectives can hide stuff or hide evidence that they committed crimes of fraud/forgery to get me.

I have been curious as to whether those same files as the ones described in the warrant were even found on my computer, in my hard drive by the forensics examiners. If it turns out they couldn't find the very same files as the ones the search warrant talked about then this may constitute as evidence fraud by the police detectives in order to execute a fraudulent search warrant in order to seize my computers in order to do whatever they wanted to them which may be construed as evidence tampering in support of my complaint I filed with the Office of the Ombudsman to the crime lab. Definite proof I was set up/framed with child porn which can exonerate me from my conviction via Habeas Corpus proceeding.

(Electronically Signed:)Sincerely,

Brian David Hill

(276)632-2599

admin@uswgo.com

916 Chalmers St., Apt. D
Martinsville, VA 24112

Brian D. Hill
Signed

Technical Procedure for Writing Results Statements

1.0 Purpose - This procedure presents the approved statements that shall be used for reporting digital evidence analysis results in the State Crime Laboratory.

2.0 Scope - This procedure applies to all written result statements for digital evidence analysis in the State Crime Laboratory.

3.0 Definitions

- **Standard Computer Result Statements** – Result statements which are common for all computer cases regardless of the type of case being examined.
- **Non-Standard Computer Result Statements** – Result statements which vary in their content due to the nature of the data being bookmarked and/or due to the nature of the case being worked.

4.0 Equipment, Materials and Reagents

4.1 Equipment and Materials

- Computer with Forensic Advantage (FA) application

4.2 Reagents – N/A

5.0 Procedure –Analyses shall include an accurate interpretation of the actual results of the examination in a manner approved by the Forensic Scientist Manager or his/her designee and the Crime Laboratory Director. This interpretation may include or build upon one (1) or more of the following responses depending on the circumstances of the case and the nature of the digital evidence examination. The order in which the statements are arranged is left to the discretion of the Forensic Scientist. Deviations shall be approved according to the Laboratory Procedure for Authorizing Deviations.

5.1 Recovered Disc Reporting Method

5.1.1 Computer Result Statements

5.1.1.1 This report has been generated in association with Item (Item Number), which should be viewed in conjunction with this written report.

5.1.1.2 No data of interest were located on Item (Item number).

5.1.1.3 Item (Item number) was unable to be processed for digital evidence because (reason).

5.1.1.4 Item (Item Number) was/were scanned for threats using (software) with definitions dated (date). The virus scan log is available for review in the “Recovered\ Virus Scan Logs” folder on Item (Item Number).

5.1.1.5 (Number) Encrypted file/files of possible interest was/were recovered from Item (Item Number) and is/are available for review in the “Recovered\Encrypted Files” folder on Item (Item Number).

In the United States District Court
For the Middle District of North Carolina
Greensboro Division

Defendant, Brian David Hill

Criminal Action No. 1:13-cr-435-1

v.

Plaintiff, United States of America

NOTICE OF MOTION TO STAY JUDGMENT

Comes now defendant and files this request that

his MOTION TO STAY JUDGMENT

be addressed on the papers, without a hearing.

The defendant waives his right to a hearing on this motion.

Respectfully submitted,


Signed

Brian D. Hill (pro se)
916 Chalmers St. – Apt. D
Martinsville, VA 24112
Phone: (276)632-2599

CERTIFICATE OF SERVICE

I hereby certify that service was made by mailing
a true and correct copy of the foregoing

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Assistant United States Attorney
101 South Edgeworth Street
Greenboro, NC 27401

Brian D. Hill
Signed

Brian D. Hill (pro se)
916 Chalmers St. – Apt. D
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Phone: (276)632-2599